

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5712
Senator John McCain; Governor Arnold)
Schwarzenegger)

CERTIFICATION

I, Darlene Harris, recording secretary for the Federal Election Commission executive session on February 21, 2007, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MUR 5712:

1. Find reason to believe that Senator John McCain violated 2 U.S.C. § 441i(e) and 11 CFR § 300.62.
2. Find no reason to believe that Senator John McCain violated 2 U.S.C. § 441a(a) or 11 CFR § 300.61.
3. _____ instruct the Office of General Counsel to circulate a proposed Factual and Legal Analysis _____ pursuant to the meeting discussion, for Commission approval on a tally vote basis.
4. Dismiss the allegation that Governor Arnold Schwarzenegger violated the Act by aiding and abetting Senator McCain in violating 2 U.S.C. § 441i and approve the Factual and Legal Analysis, as recommended in Attachment 6 of the General Counsel's Report dated January 31, 2007.
5. Approve the appropriate letters.

Commissioners Lenhard, Mason, Toncr, and Weintraub voted affirmatively for the decision. Commissioners von Spakovsky and Walther dissented.

Attest:

February 23, 2007
Date

Darlene Harris
Darlene Harris
Deputy Secretary of the Commission

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